

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

REGINALD MOORE, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

FAMILY DOLLAR STORES, INC.,

Defendant.

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Case No.: 4:14-cv-01542-JAR

**PLAINTIFF'S MOTION FOR ATTORNEYS' FEES AND COSTS,
AND PAYMENT OF SERVICE AWARD**

COMES NOW Plaintiff, and for his Motion for Attorneys' Fees and Costs, and Payment of Service Award states:

1. The parties to this action reached a settlement which provides, in part, that each of class members submitting valid claims will receive a portion of a \$1,500,000 settlement fund, before the cost of settlement administration, attorneys' fees and expenses. (Doc. 63-1, Settlement Agreement. ¶ 7). In connection with the settlement, Plaintiff seeks approval of an award of \$450,000 in attorneys' fees representing 30% of the total settlement fund. Plaintiff also seeks \$11,274.81 in litigation expenses.

2. The 30% sought by Plaintiff's counsel is a smaller percentage than recently awarded in a common fund TCPA settlements in this District. *See Lees v. Anthem In. Cos., Inc.*, No. 4:13-cv-1411-SNLJ, Doc. 74 (E.D. Mo. June 10, 2015) (34% of minimum settlement benefit awarded); *Prater v. Medcredit, Inc.*, No. 4:14-cv-159-ERW, Doc. 89 (E.D. Mo. Dec. 7, 2015) (33% of settlement fund awarded). The amount requested is also less than the amount disclosed in the class notice. The class notice provided that Plaintiff's counsel would seek up to 33.33%, or \$500,000, of the \$1,500,000 settlement fund.

3. Counsel for Plaintiff has devoted substantial time and effort in its prosecution of this case on behalf of the Class, including the briefing of multiple motions and the review of numerous documents and other discovery. The settlement achieved is very favorable to the Class. Furthermore, more than 14,000 class members have submitted valid claims to obtain the benefits of the settlement.

4. Plaintiff Reginald Moore seeks a service award of \$20,000 for his service as class representative. This amount is also less than the amount disclosed in the class notice which provided that Plaintiff's counsel would seek up to \$25,000 as a service award. Plaintiff Moore has dedicated significant time and effort to the prosecution of this action.

5. In connection with this motion, Plaintiff also submits his memorandum in support of his Motion for Attorneys' Fees and Costs, and Payment of Service Award with the declaration of Plaintiff Reginald Moore and the declarations of attorneys David T. Butsch and Joe D. Jacobson.

WHEREFORE, Plaintiff prays for an order of this Court approving payment of fees to Class Counsel of \$450,000 and expenses of \$11,274.81, approving payment of a service award to Plaintiff of \$20,000, and for such further and other relief as the Court deems just and proper in the premises.

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Attorneys for Plaintiff and the Settlement Class

CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2016, I electronically filed the foregoing document with the Clerk of the Court, using the CM/ECF system, to be served upon all counsel of record.

s/ David T. Butsch